

## REMARKS/ARGUMENTS

**I. Status of the Application**

Upon entry of this amendment, claims 1-4, 6-15, 17-24 and 26-45 are pending in the present Application. In the Final Office Action mailed on August 13, 2007 (hereinafter “Office Action”), the Examiner rejected claims 12-15 and 17-20 under 35 U.S.C. §101 as being directed to non-statutory subject matter, rejected claims 1-4, 9-15, 20-24, 29-30 and 34 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,125,283 (hereinafter “**Kolev**”), rejected claims 6-7, 17-18, 26-27, 31-32, and 36-37 as being unpatentable over **Kolev** in view of U.S. Patent 5,915,224 (hereinafter “**Jonsson**”), and rejected claims 8, 19, 28, 33, and 38 as being unpatentable over **Kolev** and **Jonsson** in further view of U.S. Patent 7,010,296 B2 (hereinafter “**Sakai**”).

**II. The Presently Claimed Invention**

The presently claimed invention claims a method for communications comprising determining that subscriber information is available to allow authorized access to a plurality of available communication networks, determining which communications networks from the plurality of available communications networks support a call based upon call parameters, thereby identifying compatible networks, and accessing predefined information to determine if the call is allowed on at least one of the compatible networks.

**III. The Cited References**

The **Kolev** reference discloses a way to resolve the problem of service selection where a device is unable to access a network because subscriber identification has been determined to be lacking or invalid.

The **Jonsson** reference discloses a system wherein a device connects to a network based on the geographic region in which the device is in.

The **Sakai** reference discloses a system for registering for services provided by network service providers while roaming between networks.

#### IV. Rejections Under 35 U.S.C. §101

In point #3 of the Office Action, the Examiner rejected claims 12-15 and 17-20 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner suggested that in order to comply with the requirements of 35 U.S.C. §101 the pre-amble of claim 12 can be amended to replace “computer program” with “processor.” Applicant herein amends claims 12 as suggested by the Examiner. Support for this amendment can be found for instance in paragraph [0048] of Applicant’s Specification. Accordingly, Applicant respectfully requests that the Examiner’s rejection of claims 12-15 and 17-20 under 35 U.S.C. §101 be withdrawn.

#### V. Rejections Under 35 U.S.C. §102(b)

In point #6 of the Office Action, the Examiner rejected claims 1-4, 9-15, 20-24, 29-30 and 34 under 35 U.S.C. §102(b) as being anticipated by **Kolev**. Applicant herein amends claims 1, 10, 12, 21, 29, 30, 34 and respectfully submits that for the following reasons claims 1-4, 9-15, 20-24, 29-30 and 34 are allowable under 35 U.S.C. §102(b).

##### Independent Claim 1

With respect to independent claim 1, the **Kolev** reference fails to disclose or suggest all of the limitations of claim 1. Applicant herein amends claim 1 to add a recitation of:

***determining that subscriber information is available to allow authorized access to a plurality of available communication networks;***

The above claim amendment is added to clarify that “a plurality of available communication networks” as previously presented in claim 1 comprise those networks to which subscriber identification is available to allow authorized access. Applicant submits that claim 1, as previously presented, already expressed this point, but that the claim amendment provides further clarification. Support for this amendment can be found for instance in Applicant’s Specification as follows.

*“A communications device may operate on certain networks by means of a communications card adapted to a particular network or group of networks. A communications device may also have multiple such cards, enabling it to operate on*

*multiple networks or groups of networks. For example, a communications device may simultaneously support both a SIM (Subscriber Identity Module) card enabling it to operate on GSM and GPRS networks, a R-UIM (Removable User Identity Module) card enabling it to operate on a CDMA network or hybrid CDMA/GSM network, and a USIM (UTMS SIM) card enabling it to operate on a UMTS network. Of course, it is to be understood that the invention is not limited to any particular type of card or card combination, but is applicable to communications devices that may be adapted to operate on any of a plurality of existing or later-developed wireless networks.” (Paragraph [0031], lines 6-17.)*

#### The **Kolev** Reference

In the rejection under 35 U.S.C. §102(b), the Examiner has spread out the **Kolev** reference like pieces of a puzzle and then cleverly picked up certain pieces to cite against Applicant’s claimed invention. However, Applicant respectfully disagrees with the Examiner’s analysis.

The **Kolev** reference teaches what a device should do if it is not authorized to access a communications network. For example, **Kolev** states in the Summary:

*“It is, therefore, an objective of the present invention to resolve the problem of multi-mode mobile terminal service selection protocol where a subscriber identification has been determined to be invalid.” (Col. 3, lines 7-10, emphasis added.)*

**Kolev** defines authorization to access a communications network based on whether or not a device has valid subscriber identification (i.e., a SIM card). For example, the subscriber identification is described in the Specification of **Kolev** as follows.

*“User terminal 60 may also include a subscribe identification module (SIM) 72 containing a subscriber identity which may be used to control access to the satellite communication network 40 and/or the terrestrial communications network 20.” (Col. 6, lines 36-40)*

Without having valid subscriber identification, the device is not allowed to access the corresponding network. However, an exception has been provided by network infrastructure

operators to allow unauthorized devices to place emergency calls (i.e., 911) to address security and safety concerns. Note that this emergency access is provided by the network, not the device. Thus, the teachings of **Kolev** are restricted to how to place emergency calls (if allowed) when a device is not authorized to access a communications network.

**Kolev** fails to teach what a device should do if it is authorized to access multiple communications networks. For example, **Kolev** fails to teach that a device operates to determine a plurality of networks that are available for access, and how to select one of those networks for use. For example, the teachings of **Kolev** in response to valid subscriber identification are exemplified in **FIG. 5**. Referring to **FIG. 5**, a test is performed (80) to determine if there is a valid subscriber identifier. If there is a valid subscriber identifier the method ends. Thus, when a valid subscriber identifier is available, **Kolev** teaches just to communicate using that network. In fact, **Kolev** teaches away from determining a plurality of networks that are available for access. For example, the Specification of **Kolev** as provided below teaches to use whatever network is accessible.

*“If the subscriber identity is valid in either of the first or the second network, operations preferably continue through the network in which a valid identity exists as this will be expected to provide a higher level of service.” (Col. 7, lines 3-6.)*

**FIGS. 6A-B** further illustrate that **Kolev** teaches what a device should do if it is not authorized to access a communications network. For example, in **FIG. 6A**, a device is powered-on in satellite mode and a test for a valid SIM card for satellite access is performed (100).

*“If a valid SIM card is detected on power up at block 100, mobile terminal 60 continues in satellite mode operations at block 106.” (Col. 9, lines 35-37.)*

Thus, if the SIM card is valid, further operations are conducted in satellite mode (106). There are no teachings about how to determine a plurality of other networks that are accessible to the device or how to select a particular network from the plurality of other available networks. All the other blocks in **FIGS. 6A-B** address what to do if there is no valid subscriber identification.

In view of the foregoing, **Kolev** fails to disclose what a device should do if there is valid subscriber identification present which authorize access to a plurality of communications

networks.

Accordingly, Applicant respectfully submits that the **Kolev** reference fails to disclose or suggest all of the recited claim limitations of claim 1. For example, **Kolev** fails to disclose or suggest an operation of *determining that subscriber information is available to allow authorized access to a plurality of available communication networks*. **Kolev** teaches what to do if a device is not authorized to access a communications network. Therefore, Applicant submits that independent claim 1 is allowable under 35 U.S.C. §102(b) and respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

#### Independent Claims 10, 12, 21, 29, 30, and 34

With respect to independent claims 10, 12, 21, 29, 30, and 34, Applicant herein amends these claims to incorporate the same limitations as the amendment to claim 1. Since claim 1 is allowable under 35 U.S.C. §102(b), independent claims 10, 12, 21, 29, 30, and 34 are allowable for at least the same reasons. Therefore, Applicant respectfully requests that the rejection of claims 10, 12, 21, 29, 30, and 34 under 35 U.S.C. §102(b) be withdrawn.

#### Dependent Claims 2-4, 9, 11, 13-15, and 20-24

With respect to dependent claims 2-4, 9, 11, 13-15, and 20-24, Applicant herein submits that these claims are allowable under 35 U.S.C. §102(b) because they depend from allowable independent claims 1, 10, 12, 21, 29, 30, and 34. Therefore, Applicant respectfully requests that the rejection of claims 2-4, 9, 11, 13-15, and 20-24 under 35 U.S.C. §102(b) be withdrawn.

### **VI. Rejections Under 35 U.S.C. §103(a)**

In Point #7 of the Office Action, the Examiner rejected claims 6-7, 17-18, 26-27, 31-32, and 36-37 as being unpatentable over **Kolev** in view of **Jonsson** under 35 U.S.C. §103(a). The Examiner also rejected claims 8, 19, 28, 33, and 38 as being unpatentable over **Kolev** and **Jonsson** in further view of **Sakai**. Applicant respectfully submits that for the following reasons these claims are allowable under 35 U.S.C. §103(a).

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Furthermore, the teaching or

suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 6-7, 17-18, 26-27, 31-32, and 36-37

With respect to claims 6-7, 17-18, 26-27, 31-32, and 36-37, the **Kolev** and **Jonsson** references fail to disclose or suggest, either alone or in any proper combination, all of the elements of claims 6-7, 17-18, 26-27, 31-32, and 36-37.

Applicant has demonstrated above that **Kolev** fails to disclose “*determining that subscriber information is available to allow authorized access to a plurality of available communication networks*” and associated apparatus recited in the independent claims. Applicant submits that **Jonsson** fails to remedy the deficiencies of **Kolev**.

**Jonsson** discloses a system wherein a device connects to a network based on the geographic region in which the device is in. However, **Jonsson** fails to disclose the operation of “*determining that subscriber information is available to allow authorized access to a plurality of available communication networks*” as recited in the independent claims. The subscriber information is used to determine whether or not a device is allowed access to a plurality of networks. **Jonsson** fails to address this issue. As disclosed in **Jonsson**, a device has access to every network it comes across and does not need to determine whether or not subscriber information is available to access a plurality of other networks. For example, **Jonsson** describes how a device can be moved from region to region, and as it is moved, it logs into the network in that particular region.

*“Thus, a user is able to log-in his multiterminal on a local network, for instance when he switches on his multiterminal at his place of work in the morning. The user works with the computer and can take the computer with him as he moves from room to room, with the computer constantly logged-in on the local network 62. When the user then leaves the building and, for instance, sits in his car, the detector circuit will detect that the multiterminal has lost contact with the local network 62. The network switching circuit activates the first communication device and the multiterminal 61 now has contact with the mobile data network 63.” (Col. 15, lines 32-41.)*

However, **Jonsson** fails to teach the operation of “*determining that subscriber information is available to allow authorized access to a plurality of available communication networks*” as recited in the independent claims. Therefore, Applicant submits that **Jonsson** fails to remedy the deficiencies of **Kolev**. Accordingly, since the **Kolev** and **Jonsson** references fail to disclose or suggest, either alone or in any proper combination, all of the elements of claims 6-7, 17-18, 26-27, 31-32, and 36-37, these claims are allowable under 35 U.S.C. §103(a).

Therefore, Applicant respectfully requests that the rejection of claims 6-7, 17-18, 26-27, 31-32, and 36-37 under 35 U.S.C. §103(a) be withdrawn.

Claims 8, 19, 28, 33, and 38

With respect to claims 8, 19, 28, 33, and 38, the **Kolev**, **Jonsson** and **Sakia** references fail to disclose or suggest, either alone or in any proper combination, all of the elements of claims 8, 19, 28, 33, and 38.

Applicant has demonstrated above that **Kolev** and **Jonsson** fail to disclose or suggest “*determining that subscriber information is available to allow authorized access to a plurality of available communication networks*” and associated apparatus as recited in the independent claims. Applicant submits that **Sakia** fails to remedy the deficiencies of **Kolev** and **Jonsson**.

**Sakia** discloses a system for registering for services provided by network service providers while roaming between networks. However, **Sakia** fails to disclose the operation of “*determining that subscriber information is available to allow authorized access to a plurality of available communication networks*” as recited in the independent claims. Accordingly, since the **Kolev**, **Jonsson** and **Sakia** references fail to disclose or suggest, either alone or in any proper combination, all of the elements of claims 8, 19, 28, 33, and 38, these claims are allowable under 35 U.S.C. §103(a).

Therefore, Applicant respectfully requests that the rejection of claims 8, 19, 28, 33, and 38 under 35 U.S.C. §103(a) be withdrawn.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that no new matter has been entered by way of this amendment and that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 10/25/2007

By: /Jian Ma/  
Jian Ma, Reg. No. 48,820  
(858) 658-1901

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502